

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ASHRAF M. ABUHAMMOUDEH,

Petitioner,

CASE NO. 2:09-CV-00449

CRIM. NO. 2:08-CR-00014

JUDGE EDMUND A. SARGUS, JR.

MAGISTRATE JUDGE E.A. PRESTON DEAVERS

UNITED STATES OF AMERICA,

Respondent.

OPINION AND ORDER

On August 31, 2011, the Magistrate Judge issued a *Report and Recommendation* recommending that, upon submission of Petitioner's written attorney-client waiver, counsel be appointed to represent Petitioner at an evidentiary hearing on his claim that he was denied effective assistance of counsel due to his attorney's alleged failure to advise him regarding the availability of or to arrange a meeting with the Government, such that he may have been eligible for a reduction in his sentence under the safety valve provision of the United States Sentencing Guidelines, § 5C1.2.

Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed. Petitioner has submitted a written waiver of his attorney-client privilege. Doc. 116.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. The Federal Public Defender has been appointed to represent Petitioner at an evidentiary hearing on his claim of ineffective assistance of counsel

IT IS SO ORDERED.


9-29-2011
EDMUND A. SARGUS, JR.
United States District Judge